

IN RE: PETITION FOR SPECIAL EXCEPTION  
E/S Annapolis Road, 59 ft. N  
of c/v Violet Avenue  
3529 Annapolis Road  
13th Election District  
1st Councilmanic District  
Francisco Figueroa, et ux  
Legal Owner  
Penn Advertising of Balto., Inc.,  
Petitioner/Lessee

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-62-X

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception filed by the subject property owners, Francisco and Ada Figueroa, and Contract Purchaser/Lessee, Penn Advertising of Baltimore, Inc. Mr. and Mrs. Figueroa have entered into a lease with Penn Advertising of Baltimore, Inc. for that company to install one double faced 12 ft. x 25 ft. illuminated poster panel structure on the subject property located at 3925 Annapolis Road.

Appearing at the public hearing were Belinda Torres and Donna Hayward, employees of the Contract Purchaser/Lessee. They were represented by Fred M. Lauer, Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject site is located within the highly commercial corridor on Annapolis Road. The property is near the Baltimore City/Baltimore County line. The property's condition is best described as run-down and contains an abandoned service station. The Petitioner proposes to raise the existing Citgo Service sign and replace same with a 12 x 25 ft. illuminated poster panel structure. The Petitioner noted that there are no outdoor advertising signs within close proximity of the subject property.

Testimony was also presented that the sign complies with all requirements set forth in Sections 413, 413.5 and 502.1 of the B.C.Z.R.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions, as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10th day of November, 1992 that, pursuant to a Petition for Special Exception, approval to construct a double faced 12 ft. x 25 ft. illuminated poster panel structure, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmn

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 10, 1992

Fred M. Lauer, Esquire  
3001 Remington Avenue  
Baltimore, Maryland 21211

RE: Case No. 93-62-X  
Petition for Special Exception  
Francisco Figueroa, et ux, Legal Owners  
Penn Advertising of Baltimore, Inc., Contract Purchaser/Lessee

Dear Mr. Lauer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
encl.

cc: Mr. and Mrs. Francisco Figueroa

## Petition for Special Exception

to the Zoning Commissioner of Baltimore County 93-62-X

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for One (1) double-faced 12' x 25' illuminated poster panel structure

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee: Penn Advertising of Baltimore, Inc.  
(Type or Print Name) Donna Hayward  
Signature

Legal Owner(s): Francisco Figueroa  
(Type or Print Name)  
Signature

3001 Remington Avenue  
Address  
Baltimore, Maryland 21211  
City and State

Ada Figueroa  
(Type or Print Name)  
Signature

Attorney for Petitioner: Fred M. Lauer, Esq.  
(Type or Print Name)  
Signature

7805 Nantian Court  
Address  
Hanover, Maryland 21076  
City and State

3001 Remington Avenue  
Address  
Baltimore, Maryland 21211  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
Phone No.

Attorney's Telephone No.: 235-8820



OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING - 1/2HR. - 4 HR.  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER  
REVIEWED BY: DATE: 8/1/92

RICHARD J. TRUELOVE P.E., INC.

CIVIL ENGINEER  
28 EAST BURGHEANNA AVENUE  
TOWSON, MARYLAND 21204  
(301) 484-4914

#### ZONING DESCRIPTION

Beginning for the same at a point on the East side of Annapolis Road, Maryland Route 648, (variable width as shown on MSHA Plat 49520), said point lying 59 feet, more or less, measured northerly along the centerline of Annapolis Road from the centerline of Violet Avenue, (40 feet wide), and 22 feet easterly of the centerline of Annapolis Road. Thence along the right-of-way line of Annapolis Road north 11 degrees 24 minutes 39 seconds east 127.75 feet. Thence leaving Annapolis Road and running the following courses and distances: north 85 degrees 48 minutes 35 seconds east 124.74 feet, and south 10 degrees 30 minutes 30 minutes west 160.00 feet to the north side of Violet Avenue, thence south 85 degrees 48 minutes 35 seconds west 94.42 feet, thence by a curve to the right with a radius of 25.00 feet a distance of 46.08 feet, the chord of the curve being north 41 degrees 23 minutes 23 seconds west, to the point of beginning.

Containing 19,260 square feet, or 0.4421 acres of land, more or less.

Being lots 750 through 755 of "Part of Section A - English Consul Estates" recorded in the land records of Baltimore County in plat book W.P.C. 3 folio 108. Also being that land conveyed by Frank W. & Virginia Schumaker to Francisco & Ada Figueroa by a deed recorded in the aforementioned land records in liber 7332 folio 343. Being located in the Thirtieth Election District, and First Councilmanic District, of Baltimore County, Maryland. Also known as 3529 Annapolis Road.

#### DESCRIPTION FOR OUTDOOR ADVERTISING SIGN SPECIAL EXCEPTION

Beginning for the same at a point in the previously described parcel, said point being south 11 degrees 24 minutes 39 seconds west 11.09 feet, and south 78 degrees 35 minutes 21 seconds east 14.00 feet from the end of the first line of the previously described parcel. Thence the following courses and distances: north 11 degrees 24 minutes 39 seconds east 15.00 feet; south 78 degrees 35 minutes 21 seconds east 30.00 feet; south 11 degrees 24 minutes 39 seconds west 15.00 feet; and north 78 degrees 35 minutes 21 seconds west 30.00 feet to the place of beginning. Containing 450 square feet or 0.0103 acres of land more or less.

July 14, 1992  
letters92016DES



Richard J. Truelove  
July 14, 1992

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13th  
Posted for: Special Exception  
Petitioner: Francisco & Ada Figueroa & Penn Advertising of Baltimore, Inc.  
Location of property: E/S Annapolis Rd., 1st of 1st & 2nd  
Location of Sign: Being roadway on property to be zoned  
Remarks:  
Posted by: M. Lauer  
Date of return: 9/24/92  
Number of Signs: 1

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13th  
Posted for: Special Exception  
Petitioner: Francisco & Ada Figueroa & Penn Advertising of Baltimore, Inc.  
Location of property: E/S Annapolis Rd., 1st of 1st & 2nd  
Location of Sign: Being roadway on property of Petitioner  
Remarks: No other signs to be removed - 204 - sign removed  
Posted by: M. Lauer  
Date of return: 9/24/92  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/16/1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/16/1992

THE JEFFERSONIAN,

S. Zeke Orlean

Publisher





DPW/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature: *James A. Kennedy* Date: *9/8/92*

Project Name: Stonegate at Patapsco (Aerial Property)  
File Number: 90476  
Waiver Number: TE (Waiting for developer to submit plans first)  
Zoning Issue: 6-1-92  
Meeting Date: 6-1-92

COUNT 1

File Number	Waiver Number	Zoning Issue	Meeting Date
Maiden Choice Associates	54	8/31/92	Comment
DED DEPRM RP STP TE			
Lyons Mill Partnership	62		Na
DED DEPRM RP STP TE			
Steven Lewis and Mary Ann Kidwell	63		NC
DED DEPRM RP STP TE			
Revisions, Inc.	64		Comment
DED DEPRM RP STP TE			
Donald And Margaret Proescher	65		NC
DED DEPRM RP STP TE			
Franciaco and Ada Figueroa	66		NC
DED DEPRM RP STP TE			
Pamela H. and Randall W. Perkins	67		NC
DED DEPRM RP STP TE			
Johnny M. Boyles	68		NC
DED DEPRM RP STP TE			
Donald E. and Mary Bell Grempler	69		Comment
DED DEPRM RP STP TE			
Gordon E. Sugar	70		NC
DED DEPRM RP STP TE			
Michael and Patricia Perholtz	71		NC

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 4, 1992

FROM: Ervin McDaniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee  
August 31, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Steven L. Kidwell, Item No. Work #10 #63  
Franciaco Figueroa, Item No. Work #13 #66  
Pamela H. Perkins, Item No. Work #14 #67  
Johnny M. Boyles, Item No. Work #15 #68  
Donald Proescher, Item No. #65 #69

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EMcd/PM:ph

SEP 8 1992  
ZONING OFFICE

Development Review Committee Response Form  
Authorized signature: *James A. Kennedy* Date: *9/8/92*

Project Name: Stonegate at Patapsco (Aerial Property)  
File Number: 90476  
Waiver Number: TE (Waiting for developer to submit plans first)  
Zoning Issue: 6-1-92  
Meeting Date: 6-1-92

COUNT 1

File Number	Waiver Number	Zoning Issue	Meeting Date
James Enterprises	48	W/C	8-24-92
DED DEPRM RP STP TE			
Salvo Realty, Inc.	50	W/C	
DED DEPRM RP STP TE			
Maiden Choice Associates	54	W/C	8/31/92
DED DEPRM RP STP TE			
Lyons Mill Partnership	62	W/C	
DED DEPRM RP STP TE			
Steven Lewis and Mary Ann Kidwell	63	W/C	
DED DEPRM RP STP TE			
Revisions, Inc.	64	W/C	
DED DEPRM RP STP TE			
Donald And Margaret Proescher	65	W/C	
DED DEPRM RP STP TE			
Franciaco and Ada Figueroa	66	W/C	
DED DEPRM RP STP TE			
Pamela H. and Randall W. Perkins	67	W/C	
DED DEPRM RP STP TE			
Johnny M. Boyles	68	W/C	
DED DEPRM RP STP TE			

Department of Environmental Protection & Resource Management  
Development Review Committee Response Form  
Authorized signature: *James A. Kennedy* Date: *9/8/92*

Project Name: Lyons Mill Partnership  
File Number: 90476  
Waiver Number: TE (Waiting for developer to submit plans first)  
Zoning Issue: 6-1-92  
Meeting Date: 6-1-92

COUNT 1

File Number	Waiver Number	Zoning Issue	Meeting Date
Lyons Mill Partnership	62		8/31/92
DED DEPRM RP STP TE			
Steven Lewis and Mary Ann Kidwell	63		In process
DED DEPRM RP STP TE			
Donald And Margaret Proescher	65		No comments
DED DEPRM RP STP TE			
Franciaco and Ada Figueroa	66		No comments
DED DEPRM RP STP TE			
Pamela H. and Randall W. Perkins	67		In process
DED DEPRM RP STP TE			
Johnny M. Boyles	68		In process
DED DEPRM RP STP TE			
Donald E. and Mary Bell Grempler	69		No comments
DED DEPRM RP STP TE			
Gordon E. Sugar	70		No comments
DED DEPRM RP STP TE			
Michael and Patricia Perholtz	71		In process
DED DEPRM RP STP TE			
Dr. Edward and Ann Mishner	72		No comments
DED DEPRM RP STP TE			
Cheryl Blevins	73		In process
DED DEPRM RP STP TE			
Trvin R. and Judith B. Zeigenfuse	74		In process
DED DEPRM RP STP TE			

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

SEPTEMBER 1, 1992 (410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: FRANCIACO FIGUEROA AND ADA FIGUEROA  
Location: #3529 ANNAPOLIS ROAD  
Item No.: WORK #13 (MJK) Zoning Agenda: AUGUST 31, 1992  
Gentlemen: *66*

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John Fisher* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature: *James A. Kennedy* Date: *9/8/92*

Project Name: Maiden Choice Associates  
File Number: 54  
Waiver Number: 8/31/92  
Zoning Issue: 6-1-92  
Meeting Date: 6-1-92

DED DEPRM RP STP TE

Lyons Mill Partnership

DED DEPRM RP STP TE

Steven Lewis and Mary Ann Kidwell

DED DEPRM RP STP TE

Revisions, Inc.

DED DEPRM RP STP TE

Donald And Margaret Proescher

DED DEPRM RP STP TE

Franciaco and Ada Figueroa

DED DEPRM RP STP TE

Pamela H. and Randall W. Perkins

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Johnny M. Boyles

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Donald E. and Mary Bell Grempler

DED DEPRM RP STP TE

Gordon E. Sugar

DED DEPRM RP STP TE

Michael and Patricia Perholtz

DED DEPRM RP STP TE

Dr. Edward and Ann Mishner

DED DEPRM RP STP TE

Penn Adv.  
PENN ADVERTISING OF BALTIMORE, INC.

October 26, 1992

Mr. Larry Schmidt  
Zoning Commissioner  
Baltimore County Government  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 93-62-X  
Special Exception for one  
double face poster panel  
3529 Annapolis Road

Dear Mr. Schmidt:

I would respectfully request a postponement of the above mentioned case scheduled for November 10, 1992 at 9:00 a.m. This postponement is necessary because of a scheduling conflict at that time. The District Court of Maryland for Baltimore County has scheduled a court proceeding at the same time in a civil case #0012410.

Very truly yours,  
*Fred M. Lauer*  
Fred M. Lauer, esq.

FML:km

cc: Franciaco and Ada Figueroa  
James W. Fisher  
Donna Hayward  
Richard Truelove

Penn Adv.  
PENN ADVERTISING OF BALTIMORE, INC.

September 16, 1992

Mr. Larry Schmidt  
Zoning Commissioner  
Baltimore County Government  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 93-62-X  
Special Exception for one  
double face poster panel  
3529 Annapolis Road

Dear Mr. Schmidt:

I would respectfully request a postponement of the above mentioned case scheduled for October 9, 1992 at 2:30 p.m. This postponement is necessary because of a scheduling conflict at that time.

Very truly yours,  
*Fred M. Lauer*  
Fred M. Lauer, esq.

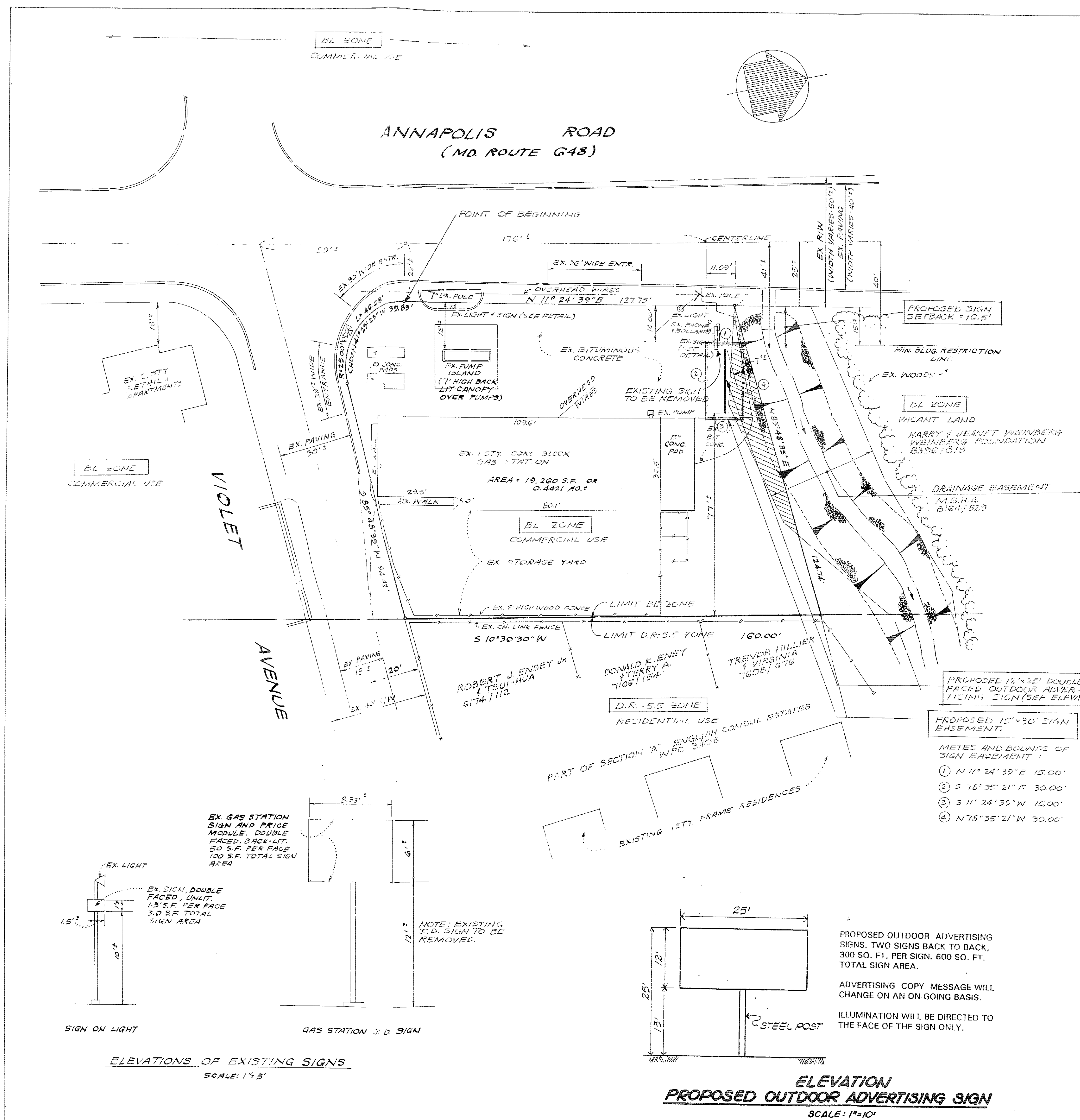
FML:km

cc: Franciaco and Ada Figueroa  
James W. Fisher  
Donna Hayward  
Richard Truelove

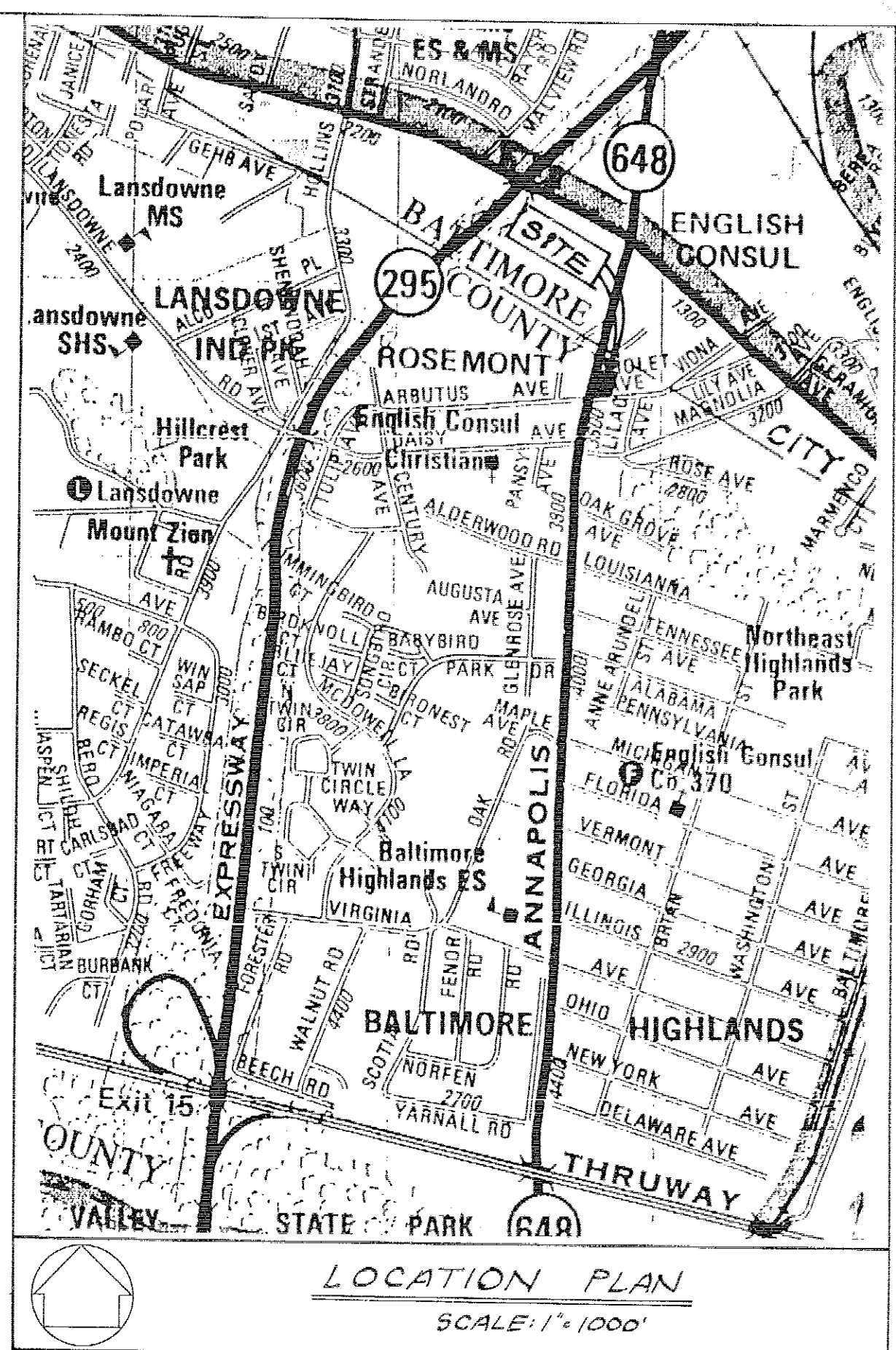








- ZONING NOTES**
- 1) PRIOR CASE NO. 571-S  
A PETITION FOR SPECIAL EXCEPTION TO PERMIT A GAS STATION AND AUTOMOBILE REPAIR GARAGE, GRANTED ON MARCH 18, 1946.  
NET AREA = 0.5914 AC (25,760 S.F.)  
NET AREA = 0.4421 AC (19,260 S.F.)
  - 2) TITLE REFERENCE: FRANCISCO & ADA FIGUEROA LIBER 7332 FOLIO 343
  - 3) EXISTING ZONING: BL WITH A SPECIAL EXCEPT ON TO ALLOW A GAS STATION AND REPAIR GARAGE.
  - 4) PROPOSED ZONING: BL WITH A SPECIAL EXCEPT ON TO ALLOW A GAS STATION AND REPAIR GARAGE, AND TO PERMIT 2 OUTDOOR ILLUMINATED ADVERTISING SIGNS.
  - 5) EXISTING USE: SERVICE STATION AND REPAIR GARAGE (VACANT)
  - 6) PROPOSED USE: SERVICE STATION AND REPAIR GARAGE, AND OUTDOOR ADVERTISING SIGN
  - 7) ALL EXISTING STRUCTURES ON SITE TO REMAIN
  - 8) FLOOR AREA RATIO = 0.200 (MAX ALLOWED = 3.0)
  - 9) OFF STREET PARKING: THE OUTDOOR ADVERTISING SIGN WILL BE LOCATED SUCH THAT THERE IS NO IMPACT ON THE REQUIRED PARKING, CIRCULATION, OR TRAVEL AISLES.
  - 10) BUILDING SETBACK REQUIREMENTS (FOR PROPOSED SIGN)  
FRONT - 10' MIN FROM PROPERTY LINE OR 40' FROM STREET CENTERLINE (FOR THIS SITE 40'-25'-15') OR  
- AVERAGE OF COMMERCIAL BUILDINGS WITHIN 100' (SECTION 303.3) = (18' + 15' min.) / 2 = 16.5' FROM EXISTING R/W  
SIDE - NONE  
REAR - 20'
  - 11) SETBACKS PROVIDED (FOR PROPOSED SIGN ONLY)  
A. FRONT = 16.5'  
SIDE = 7' ±  
REAR = 77' ±
  - 12) SECTION 413.3 NOTES (BCZR)  
a. TOTAL SURFACE OF SIGN AREA = 600 S.F. (300 S.F. PER SIGN X 2 SIGNS)  
b. SIGN IS LOCATED MORE THAN 250' FROM AN EXPRESSWAY, AND MORE THAN 100' FROM A DUAL LANE HIGHWAY  
c. SIGN IS LOCATED AT OR BEYOND THE MINIMUM FRONT YARD REQUIREMENT FOR A COMMERCIAL BUILDING  
d. SIGN IS LOCATED MORE THAN 100' FROM THE INTERSECTION OF A DUAL LANE HIGHWAY, AND MORE THAN 50' FROM ANY STREET INTERSECTION.  
e. MORE THAN 50% OF FRONTAGE ON THE STREET WHEREIN THE SIGN IS LOCATED IS COMMERCIAL DEVELOPMENT (VIOLET AVE. TO CITY LINE)  
1. 3529 Annapolis Road - Gas Station - 160 FEET FRONTAGE  
2. 3527 Annapolis Road - Vacant - 60 FEET FRONTAGE  
PERCENT COMMERCIAL (160 / 220) = 73%  
f. SIGN IS LOCATED MORE THAN 100' FROM ANY OTHER OUTDOOR ADVERTISING SIGN.  
g. N/A  
h. N/A  
i. N/A
  - 13) SECTION 413.5 NOTES (BCZR)  
A. MAXIMUM SIGN HEIGHT IS 25'  
B. ILLUMINATION IS CONFINED TO THE SURFACE OF THE SIGN AND IS DIRECTED TO THE FACE OF THE SIGN ONLY.



**93-62-X**

PROPERTY OWNER: FRANCISCO & ADA FIGUEROA  
LIBER 7332 FOLIO 343  
ACCT # 13-14-400070

APPLICANT: PENN ADVERTISING OF BALTIMORE, INC.  
3001 REMINGTON AVENUE  
BALTIMORE, MARYLAND 21211

**PLAN TO ACCOMPANY PETITION FOR  
SPECIAL EXCEPTION**

**3529 ANNAPOLIS ROAD**

ELECTION DISTRICT 13 COUNCILMANIC DISTRICT 1  
BALTIMORE COUNTY, MARYLAND

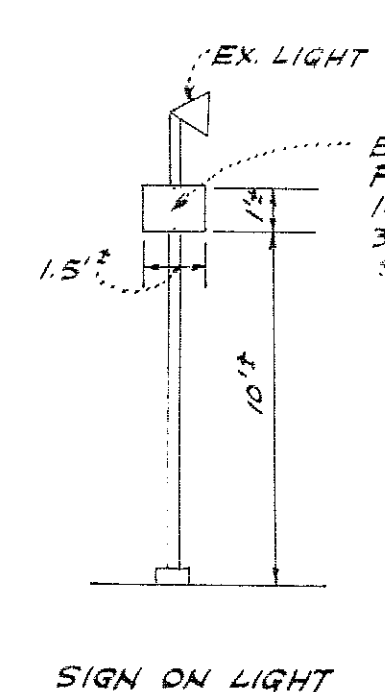
SCALE: 1" = 20'

JULY 12, 1992

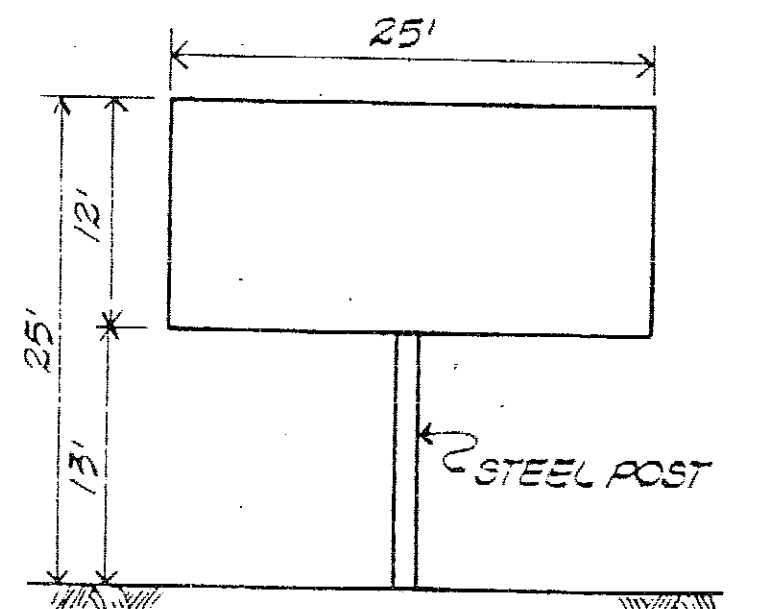
*Richard True Love* 7/14/92  
**RICHARD TRUELOVE P.E., INC.**  
registered professional engineer  
28 EAST SUSQUEHANNA AVENUE  
TOWSON, MARYLAND 21204  
(301) 494-4914

**ELEVATION  
PROPOSED OUTDOOR ADVERTISING SIGN**  
SCALE: 1" = 10'

**ELEVATIONS OF EXISTING SIGNS**  
SCALE: 1" = 5'



GAS STATION I.D. SIGN



PROPOSED OUTDOOR ADVERTISING SIGNS. TWO SIGNS BACK TO BACK, 300 SQ. FT. PER SIGN. 600 SQ. FT. TOTAL SIGN AREA.

ADVERTISING COPY MESSAGE WILL CHANGE ON AN ON-GOING BASIS.

ILLUMINATION WILL BE DIRECTED TO THE FACE OF THE SIGN ONLY.